

**MUNICIPAL CLERK
ATLANTA, GEORGIA**

01- 2 -0989

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS OF EDWARD MITCHELL AGAINST THE CITY OF ATLANTA
IN THE CASE OF EDWARD MITCHELL V. THE CITY OF ATLANTA,
CIVIL ACTION NUMBER: 1:99-CV-1859, FILED IN THE UNITED STATES
DISTRICT COURT; TO CAUSE PAYMENT TO BE MADE IN THE
AMOUNT OF THIRTY-FIVE THOUSAND DOLLARS (\$35,000); AND FOR
OTHER PURPOSES.

WHEREAS, on July 20, 1999, Plaintiff Edward Mitchell initiated the case of Edward Mitchell v. City of Atlanta, pursuant to the Americans with Disabilities Act ("ADA"), 42 U.S.C. Section 12101 et seq.; and

WHEREAS, in September 1998 Edward Mitchell applied for a position as a corrections officer with the City of Atlanta; and

WHEREAS, in connection with his application, Mitchell was required to submit to a physical examination; and

WHEREAS, during his health screening it was confirmed that he suffered from insulin dependant diabetes; and

WHEREAS, on January 6, 1999, the Plaintiff was notified that he would not be hired for the position of corrections officer because of his insulin dependant diabetes condition; and

WHEREAS, the Plaintiff filed an EEO Complaint on January 11, 1999; and

WHEREAS, on February 24, 1999, the Plaintiff's filed was reactivated; and

WHEREAS, after months of trying to contact the Plaintiff, the Department of Corrections made

a job offer to the Plaintiff on May 7, 1999; and

WHEREAS, the Plaintiff started working with the Department of Corrections as an officer on June 1, 1999; and

WHEREAS, the Plaintiff filed this lawsuit seeking reimbursement for lost wages, compensatory damages, costs, and attorneys fees; and

WHEREAS, by Order dated February 27, 2001, United States District Court Judge Jack T. Camp denied Defendant's motion for summary judgment; and

WHEREAS, as a result of the Order, the legal issue to be determined at trial is whether the Defendant regarded the Plaintiff as disabled; and

WHEREAS, Plaintiff, through his attorneys, has agreed to settle all claims of plaintiff against the City of Atlanta for the sum of thirty-five thousand (\$35,000) dollars; and

WHEREAS, the City Attorney considers it to be the best interest of the City to resolve this matter and recommends that the above settlement be entered into; and

WHEREAS, by this settlement, Defendant City of Atlanta admits no liability; and

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the City Attorney be and is hereby authorized to conclude the settlement of all claims against the City of Atlanta, as set forth in Civil Action No.: 1:99-CV-1859, United States District Court, for the aggregate amount of thirty-five thousand dollars (\$35,000).

THE CITY COUNCIL FURTHER RESOLVES that the Chief Financial Officer is authorized to pay the total of Thirty-Five Thousand Dollars (\$35,000) at the direction of the City Attorney from the account of 1A01529017 T31001. Payment shall be in the form of a check in the amount of \$35,000,

payable to Plaintiff Edward Mitchell and his Attorneys Andrew Y. Coffman and Larry A. Pankey.